(24)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No.109/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Applicant		Jugen Bai, , wife of Shri Prem Sai, aged about 37 years, resident of village – Chhattarpur, Tahsil – Surajpur, P.S. Ambikapur, Distt. Sarguja (CG)
		Versus
Non-applicants	1.	Yespal, aged about 12 years, son of late Ram Prasad.
	2.	Nikeshwar, aged about 7 years, son of Late Ramprasad.
		Both are minors, through – natural guardian – Uncle (Chacha), Shiv Prasad, son of Budhram, aged about 40 years, occupation-agriculture, resident of village – Chhattarpur, P.S. Ambikapaur, Distt. Sarguja (CG)

Civil Revision under Section 115 of the Civil Procedure Code, 1908.

Present:-
Shri Vinay Pandey, counsel for the applicant.

ORAL ORDER
(Passed on 17th September, 2007)

Heard on I.A. No.1 for condonation of delay.

(2) Brief facts are that the applicant had withdrawn second appeal No.393/2003 on 17.1.2007 with liberty to file civil revision. Second appeal was dismissed as withdrawn reserving the aforesaid liberty. Present revision was filed on 11.9.2007 and is grossly barred by limitation.

(3) Learned counsel for the applicant has submitted that the applicant was inadvertently pursuing a remedy before a wrong forum and after withdrawing the second appeal, has filed the civil revision. Be as it may, the

fact remains that the second appeal was withdrawn on 17.1.2007. Even if this date is to be reckoned, the revision having been filed on 11.9.2007 is grossly barred by limitation and no cause much less sufficient is shown in the application for condonation of delay in filing this civil revision.

(4) In the absence of the any explanation for the delay, I.A. No.1 for condonation of delay in filing this civil revision is dismissed. As a result, this civil revision is also dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya